



1 Facility at Corcoran State Prison are barred under Eleventh Amendment immunity;<sup>2</sup> the  
2 complaint lacks sufficient allegations against the warden; and plaintiff may not seek damages for  
3 mental or emotional injury absent a prior showing of physical injury. *Id.*

4 The findings and recommendations were served on plaintiff and provided him fourteen  
5 (14) days to file objections thereto. Plaintiff has not filed any objections, and the time do so has  
6 passed.

7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
8 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the findings  
9 and recommendations to be supported by the record and proper analysis. The only forms of relief  
10 requested (release from custody and damages for mental or emotional injury) are unavailable to  
11 plaintiff under § 1983.

12 Accordingly,

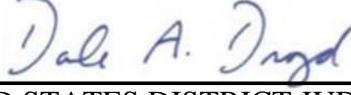
13 1. The findings and recommendations issued on November 30, 2021, (Doc. No. 7), are  
14 adopted in full;

15 2. This action is dismissed without prejudice due to plaintiff's failure to state a claim; and

16 3. The Clerk of the Court is directed to assign a district judge to this case for the purposes  
17 of closure and then to close this case.

18 IT IS SO ORDERED.

19 Dated: December 27, 2021

  
UNITED STATES DISTRICT JUDGE

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26 <sup>2</sup> In the discussion, section III(C) is labeled as "Qualified Immunity" and appears to be a  
scrivener's error. Qualified immunity "is a defense available only to government officials sued in  
their individual capacities. It is *not* available to those sued only in their official capacities."  
27 *Cnty. House, Inc. v. City of Boise*, 623 F.3d 945, 965 (9th Cir. 2010). Section III(C) would have  
28 been more appropriately styled as addressing "Eleventh Circuit Immunity." Because this error is  
non-substantive, the court nonetheless adopts this portion of the findings and recommendations.  
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